

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 5, 7, 9-21, 23, and 25-34 are pending, with claims 1, 5, 17, 32 and 33 amended, by the present amendment. Claims 1, 17, 32 and 33 are independent.

Claims 1, 17, 32 and 33 are amended to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

In the Official Action, claims 1, 9-11, 17, 25-26 and 32-34 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Park (U.S. Patent Pub. No. 2001/0009537) and Ijtsma (U.S. Patent No. 6,606,285); claims 2-3, 5, 12, 16, 18-21, 27 and 31 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Park, Ijtsma and Ohata (U.S. Patent No. 6,469,978); claims 7 and 23 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Park, Ijtsma and Lee (U.S. Patent No. 6,934,236); and claims 13-15 and 28-30 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Park, Ijtsma and Ohata (U.S. Patent Pub. No. 2002/0136537). These rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*:

...providing a first temporary defect list...;

recording, in a temporary defect management area, a cumulative temporary defect list ..., wherein the cumulative temporary defect list includes the first temporary defect list previously recorded and at least one additional defective entry...; and

recording latest cumulative temporary defect list recorded in the temporary defect management area in a final defect management area when the recording medium is to be finalized,

wherein ... the cumulative temporary defect list is recorded on a different area from an area into which the first temporary defect list is recorded within the temporary defect management area.

For instance, in Applicants' embodied invention as shown in, e.g., Fig. 7, a first cumulative temporary defect list (e.g., entries in "TDFL #n") is first recorded in one area of a TDMA, then a second cumulative temporary defect list including the first cumulative temporary defect list (e.g., entries in "TDFL #n+1") is recorded in another area of the TDMA, then a third cumulative temporary defect list including the second cumulative temporary defect list (e.g., entries in "TDFL #n+2") is recorded in another area of the TDMA, and so on. This is the 'updating' process of the TDMA in Applicants' embodied invention. When the recording medium is to be finalized, then the latest cumulative temporary defect list is transferred from the TDMA to a DMA. The features as highlighted in claim 1 are clearly not taught or suggested by the applied art including Park. The other independent claims recite similar features in a varying scope.

Park describes a method of formatting a recording medium, including storing information on defective blocks in a primary defect list (PDL) 17 and a secondary defect list (SDL) 18. The SDL 18 stores therein entries of defective areas produced after the formatting, e.g., during a recording operation. In the Office Action, the Examiner seems to equate Park's updated SDL 18 to Applicant' cumulative temporary defect list. Although each defect entry discovered is somehow recorded in the SDL 18 (which the Examiner refers to the updating of the SDL 18), Park is silent as to how the SDL 18 is actually updated. That is, Park does not mention specifically that the SDL 18 includes a plurality of cumulative temporary defect lists as claimed, where the cumulative temporary defect list includes a new/additional defective entry and the previous cumulative temporary defect list. Further, Park does not specifically disclose that the

cumulative temporary defect list and the previous temporary defect list (e.g., the first temporary defect list which is also included in the cumulative temporary defect list) are stored at different areas of the TDMA, as in Applicants' invention.

Further, the other references do not overcome the deficiencies of Park. For instance, in Ijtsma, all Defect Tables have the same lay-out and after ejecting the disc from a recorder, they contain the same information. In Applicant's invention, defects detected at different times result in a new cumulative temporary defect list, which is stored in a different area of the TDMA.

For at least the foregoing reasons, Applicants submit that Park and Ijtsma do not disclose or suggest all of the features recited in amended claim 1. For similar reasons, Applicants submit that Park and Ijtsma do not disclose or suggest all of the features recited in amended independent claims 17, 32 and 33.

Applicants have considered Ohata and Lee and submit Ohata and Lee do not cure the deficiencies of Park and Ijtsma. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 17, 32 and 33, Applicants submit the inventions defined by claims 1, 17, 32 and 33, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, Reg. No. 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

¹ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.

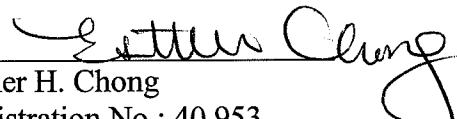
Application No. 10/670,326
Amendment dated October 23, 2008
Reply to Office Action of May 23, 2008

Docket No.: 0465-1030P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: October 23, 2008

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant